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10/809,561	03/25/2004	Kenichi Ide	6639P018	7935

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EXAMINER

LEE, CHUN KUAN

ART UNIT	PAPER NUMBER
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2181

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/809,561	IDE, KENICHI
	Examiner	Art Unit
	Chun-Kuan (Mike) Lee	2181

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 December 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13, 16, 17 and 19-21 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-13, 16, 17 and 19-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 March 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

RESPONSE TO ARGUMENTS

1. Applicant's arguments with respect to claims 1-13, 16-17 and 19-21 have been considered but are moot in view of the new ground(s) of rejection. Claims 1-17 rejected under 35 U.S.C. 112 second paragraph is withdrawn. Currently, claims 14-15 and 18 are canceled and claims 1-13, 16-17 and 19-21 are pending for examination.

2. In respond to applicant's argument regarding the independent claim 16 rejected 35 U.S.C. 102(b) that Kimura does not anticipate the claimed limitation "detection one of the communication devices as the first communication device that did not communicate in the first period of time, and that was able to communicate in the second period of time," because Kimura's mobile module (i.e. first communication deice) remain in an operational (i.e. Enable) state and in communication with the second communication device (i.e. docking station), as stated on page 8, 3rd paragraph to 4th paragraph. Applicant's arguments have fully been considered, but are not found to be persuasive.

As stated in the preceding office action, the examiner relies on Kimura's peripheral device (Fig. 2, ref. 31, 33) for the teaching of first communication device and mobile module (Fig. 2, ref. 11) for the teaching of second communication device, wherein the peripheral device is not connected to the mobile module during the first period of time (i.e. before the disconnection of the mobile module from the docking module) as the peripheral device is not present on the list of devices, and wherein the

peripheral device is connected to the mobile module during the second period of time (i.e. after the reconnection of the mobile module to the docking module) as the peripheral device is present on the list of devices, therefore the mobile module's CPU determines of the connection of the new peripheral device and established connection (Kimura, col. 5, l. 37 to col. 6, l. 12).

I. INFORMATION CONCERNING OATH/DECLARATION

Oath/Declaration

3. The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in **37 C.F.R. 1.63**.

II. INFORMATION CONCERNING DRAWINGS

Drawings

4. The applicant's drawings submitted are acceptable for examination purposes.

III. RESTRICTION

Election/Restrictions

5. Newly submitted claim 21 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

This application contains claims directed to the following patentably distinct species of the claimed invention:

Group I: Claims 1-13, 16-17 and 19-20 are directed to the embodiment that the communication (external) device does not communicate during the first (period of) time, therefore no response is provided, and the communication (external) device does communicate during the second (period of) time, therefore response is provided.

Group II: Claims 21 are directed discloses the embodiment that the communication (external) device does communicate during the first (period of) time, therefore response is provided, and the communication (external) device does not communicate during the second (period of) time, therefore no response is provided.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 21 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

IV. OBJECTIONS TO THE CLAIMS

Claim Objections

6. Claim 8 is objected to because of the following informalities:
in claim 8, line 3, "extended" should be replace with -external-. Appropriate correction is required.

V. REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Kimura et al. (US Patent 6,170,026).

Kimura teaches a method for detecting a communication device as connection object, comprising:

setting a first communicating device (Fig. 2, ref. 31, 33) in a Disable state (e.g. not connected) in which the first communication device does not communicate for a first period of time (e.g. before the disconnection of the mobile module from the docking module), and in an Enabled state (e.g. connected) in which the first communication device does communicate for a second period time (e.g. after the reconnection of the mobile module to the docking module) (col. 5, l. 37 to col. 6, l. 12), wherein the first period of time is when the first communication device is not connected and wherein the second period of time is when the first communication device is connected;

searching for communication devices (Fig. 2, ref. 31, 33) which surrounds a second communication device (mobile module 11 of Fig. 2) and are able to communicate the second communication device during either the first period of time or the second period of time (Fig. 9-9A and col. 5, l. 37 to col. 6, l. 12), wherein the mobile module communicate with the peripheral device (Fig. 2, ref. 31, 33) both during the first period of time (before disconnection) and during the second period of time (after reconnection) in order to obtain the list of peripheral devices connected during the corresponding first period of time and second period of time; and

detecting one of the communicating devices as the first communication device that did not communicate in the first period of time, and that was able to communicate in

the second period of time (Fig. 9A and col. 5, l. 61 to col. 6, l. 26), wherein the first communication device is not connected during the first period of time and is connected during the second period of time, therefore detecting the first communication device as the newly connected peripheral device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4, 6-9, 17, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (US Patent 6,170,026) in view of Bastiani et al. (US Patent 6,442,628).

9. As per claim 1, Kimura teaches a communication device for communicating with an external device, comprising:

a wireless communication unit (Fig. 2A, ref. 23A and col. 3, ll. 40-42);
a plurality of external devices (Fig. 2, ref. 31, 33);
detecting one of the external devices as a connection object (e.g. new device) in accordance with a difference between a list of devices before disconnection and after reconnection (Fig. 9-9A and col. 5, l. 37 to col. 6, l. 12), wherein the CPU utilizes the list of devices to determine if the device is a new device (e.g. detecting the newly

connected device, which is not present in the list of device before disconnection and is present in the list of device after reconnection); and

means for establishing a communication connection exclusively with the detected connection object (Fig. 9A and col. 5, l. 62 to col. 6, l. 26), wherein the communication connection established with the newly detected device would be exclusive, as the established communication connection is utilized for communication only with the newly detected device.

Kimura does not teach the communication device comprising:

means for conducting at least two inquires for external devices surrounding the communication device, the at least two inquires being transmitted through the wireless communication unit;

means for receiving responses to each inquiry, each response include information from one or more of the external devices; and

means for detecting one of the external device as a connection object in accordance with a difference between the received responses.

Bastiani teaches a system and a method comprising:

sending a inquiry to the target device (Fig. 2, ref. 204); and
receiving a response from the target device along with the target device's device identifying data (Fig. 2, ref. 206).

It would have been obvious to one of ordinary skill in this art, at the time of invention was made to include Bastiani's inquiry and response into Kimura's

communication device. The resulting combination of the references further teaches the communication device comprising:

conducting two inquiries for target device surrounding the communication unit, as the first inquiry is sent before the disconnection and the second inquiry is sent after the reconnection, wherein the sending of the inquiry would be transmitted through the wireless communication unit to the target device;

receiving responses from the target devices along with the device identifying data; and

utilizing the received responses to establish the list of target devices before disconnection and after reconnection therefore detecting one of the target device as the connection object in accordance with the difference between the received responses, as the connection object did not provide the response as it was not connected before the disconnection and did provide the response as it is connected after the reconnection.

Therefore, it would have been obvious to combine Bastiani with Kimura for the benefit of automatically detecting the maximum data throughput rate over a bus (Bastiani, col. 3, ll.35-37).

10. As per claim 19, Kimura and Bastiani teach all the limitations of claim 1 as discussed above, where both further teach the communication device comprising wherein the means for conducting at least two inquiries including conducting a first inquiry (e.g. inquiry before disconnection) and a second inquiry (e.g. inquiry after reconnection) (Bastiani, Fig. 2, ref. 206), and the detecting means detects the one of the

external devices being an external device that did not provide a response with a first period of time corresponding to the first inquiry, and did provide a response within a second period of time corresponding to the second inquiry as the exclusive connection object (Fig. 9-9A and col. 5, l. 37 to col. 6, l. 12), as the external device was not connected during the first period of time before disconnection, therefore did not provide the response during the first period of time, and was connected during the second period of time after reconnection, therefore did provide the response during the second period.

11. As per claim 2, Kimura and Bastiani teach all the limitations of claim 19 as discussed above, where Kimura further teaches the communication device for communicating with the external device, comprising wherein the first period of time is variable (Kimura, Fig. 9 and col. 5, ll. 49-61), wherein the first period of time would be depend on the number of peripheral devices that are currently connected, during the first period of time, as more peripheral devices would require more time and lesser peripheral devices would require lesser time.

12. As per claim 3, Kimura and Bastiani teach all the limitations of claim 2 as discussed above, where Kimura further teaches the communication device for communicating with the external device, comprising wherein the first period of time is until a total number of external devices that provided a response does not change within

a given time period (Kimura, Fig. 9 and col. 5, ll. 49-61), wherein the first period of time is implemented until all peripheral devices configurations are save.

13. As per claim 4, Kimura and Bastiani teach all the limitations of claim 19 as discussed above, where Kimura further teaches the communication device for communicating with the external device, comprising wherein the second period of time is variable (Kimura, Fig. 9A and col. 5, l. 61 to col. 6, l. 26), wherein the second period of time would be depend on the number of peripheral devices that are currently connected, during the second period of time, as more peripheral devices would require more time and lesser peripheral devices would require lesser time.

14. As per claim 6, Kimura and Bastiani teach all the limitations of claim 4 as discussed above, where Kimura further teaches the communication device for communicating with the external device, comprising wherein the second period of time is until a total number of external devices providing a response does not change within a given time period (Kimura, Fig. 9A and col. 5, l. 61 to col. 6, l. 26), wherein the second period of time is implemented until all peripheral devices are properly configured.

15. As per claim 7, Kimura and Bastiani teach all the limitations of claim 19 as discussed above, where both further teaches the communication device for communicating with the external device, comprising wherein each of the response includes device information indicating at least one attribute of an external device of the

external devices providing the response (Kimura, col. 5, l. 61 to col. 6, l. 26 and Bastiani, Fig. 2, ref. 206), wherein the mobile module would implement a comparison in order to determine if the peripheral device is new or not, and the comparison would require the response provided by the peripheral devices to include their corresponding attribute in order distinguish the peripheral devices from one another and determine if the corresponding peripheral device was previously connected or is newly connected.

16. As per claim 8, Kimura and Bastiani teach all the limitations of claim 7 as discussed above, where Kimura further teaches the communication device for communicating with the external device, comprising further comprising means for storing attribute information showing the attribute of the external device to be detected as the connection object should comprise (Kimura, col. 5, ll. 37-61), wherein the attribute information is stored on the hard drive.

17. As per claim 9, Kimura and Bastiani teach all the limitations of claim 7 as discussed above, where Kimura further teaches the communication device for communicating with the external device, comprising wherein the detecting means comprises:

means for extracting device information of the external device from that the receiving means did not receive the device information for the first period of time, that the receiving means did receive the device information for the second period of time, and that coincides with the attribute shown by the attribute information stored in the

storing means (Kimura, Fig. 9-9A and col. 5, I. 37-65), wherein the device information is extracted from the hard drive for implementing the comparison in order to determine if the peripheral device is the newly connected peripheral device; and
means for selecting the external device extracted by the extracting means as the connection object (Kimura, Fig. 9A and col. 5, I. 61 to col. 6, I. 26).

18. As per claim 17, Kimura teaches a method for establishing a radio connection between communication devices, comprising the steps of:

setting a first communication device (Fig. 2, ref. 31, 33) in a first condition (e.g. not connected) in which the first communication device does not respond during a first period of time (Fig. 9 and col. 5, II. 37-61), wherein the first communication device does not response during the first period of time because the first communication device is not connected;

a second communication device (mobile module 11 of Fig. 2) searching so as to receive a response from a communication device surrounding the second device during the first period of time (Fig. 9 and col. 5, II. 37-61), wherein the second communication device search in order to gather a list of all peripheral device connected;

setting the first communication device in a second condition (e.g. connected) in which the first communication device does respond during a second period of time (Fig. 9-9A and col. 5, I. 37 to col. 6, I. 12), wherein the first communication device responses during the second period of time because the first communication device is now connected as the new peripheral device;

the second communication device searching to receive response from at least a communication device surrounding the second communication device during the second period of time (Fig. 9-9A and col. 5, l. 37 to col. 6, l. 12), after the mobile module is reconnected, the mobile module would then search which of the peripheral devices are currently connected in order to obtain the list of all current peripheral device that are connected, such searching would be implemented until all device are configured properly;

detecting one of the communicating devices as the first communicating device that did not respond during the first period of time and did respond during the second period of time (Fig. 9A and col. 5, l. 61 to col. 6, l. 26), wherein the first communication device is not connected during the first period of time and is connected during the second period of time, therefore detecting the first communication device as the newly connected peripheral device; and

establishing a exclusive communicating connection between the first communication device and the second communication device (Fig. 9A and col. 5, l. 61 to col. 6, l. 26), wherein the communication connection is exclusively established with the newly detected peripheral device (i.e. first communication device), as the established communication connection is utilized for communication only with the newly detected peripheral device.

Kimura does not teach the method for establishing the radio connection between communication devices, comprising:

setting the first communication device to respond or not to respond to an inquiry;
and

outputting the inquiry from the second communication device.

Bastiani teaches a system and a method comprising:
sending a inquiry to the target device (Fig. 2, ref. 204); and
receiving a response from the target device along with the target device's device
identifying data (Fig. 2, ref. 206).

It would have been obvious to one of ordinary skill in this art, at the time of
invention was made to include Bastiani's inquiry and response into Kimura's radio
connection method. The resulting combination of the references further teaches the
method for establishing the radio connection between communication devices,
comprising:

setting the target device (e.g. first communication device) (Kimura, Fig. 2, ref. 31,
33) in the first condition, during the first period of time, which does not respond to the
inquiry;

outputting the first inquiry by the second communication device (Kimura, Fig. 2,
ref. 11) during the first period of time so as to receive response from the communication
device surrounding the second communication device;

setting the first communication device in the second condition, during the second
period of time, which the first communication device responds to the inquiry

outputting the second inquiry by the second communication device during the second period of time so as to receive response from the communication device surrounding the second device;

detecting one of the communicating device as the first communicating device that did not respond to the first inquiry and did respond to the second inquiry; and establishing a communicating connection between the first communication device and the second communication device.

Therefore, it would have been obvious to combine Bastiani with Kimura for reason stated above in claim 1.

19. As per claim 21, Kimura and Bastiani teaches all the limitations of claim 1 as discussed above, wherein Bastiani further teaches the communication device for communicating with the external device, comprising wherein the means for conducting at least two inquiries comprises a device information acquisition unit (Bastiani, Fig. 2, ref. 204, 206), in order to properly send the inquiries for acquiring of the corresponding device information data, it would be obvious to have corresponding device information acquisition unit.

20. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (US Patent 6,170,026) and Bastiani et al. (US Patent 6,442,628), and further in view of Jonsson et al. (US Pub.: 2003/0036350).

Kimura and Bastiani teaches all the limitations of claims 1 and 4 as discussed above, wherein Kimura further teaches the communication device for communicating with the external device, comprising:

wherein the second time is until the receiving means receives a response from all external device;

mean for display including a display (Kimura, Fig. 2, ref. 31); and

mean for inputting including a keyboard (Kimura, Fig. 2, ref. 33);

Kimura and Bastiani does not teach the communication device for communicating with the external device, comprising:

wherein the second period of time is until the receiving means receives the response from the external device that the receiving means did not receive the response provided for the first period of time, and

wherein the detecting means comprises:

means for displaying the external devices detected by the detecting means when the external devices detected are two or more but within a predetermined number; and means for inputting information indicating one of the external devices selected as the connection object, wherein the establishing means establishes the communication connection with the external device indicated by the information from the inputting means.

Jonsson teaches a system and a method comprising:

receiving two or more devices responding to an inquiry for connection ([0005]);
presenting on a display all the answering devices to a user ([0005]);

the user selecting one of the answering devices to connect to and the connection would be established between the user and the selected device ([0005]).

It would have been obvious to one of ordinary skill in this art, at the time of invention was made to include Jonsson's presenting and selecting of the device into Kimura and Bastiani's communication device. The resulting combination of the references further teaches the communication device for communicating with the external device, comprising wherein the detecting means comprises:

wherein the second period of time, which the user attempts to connect to the new peripheral device and the user would obviously implement the attempt to establish connection until the response is received from the new peripheral device (i.e. external device) in order to implement the desired connection;

presenting all the answering devices detected on the display, wherein all the answering devices includes two or more devices; and

selecting by using the keyboard which one of the answering device to connect to, and connection is established in accordance the corresponding selected device.

Therefore, it would have been obvious to combine Jonsson with Kimura and Bastiani for the benefit of implementing a well known method to properly establish the connection to the desired device when a plurality of devices is detected and available for connection (Jonsson, [0005]).

21. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (US Patent 6,170,026) and Bastiani et al. (US Patent 6,442,628), and further in view of Sekiyama (US Patent 6,427,115).

Kimura and Bastiani teach all the limitations of claim 19 as discussed above.

Kimura and Bastiani does not teach the communication device for communicating with the external device, comprising:

means for informing that searching in the first period of time is complete, wherein the informing means comprises a speaker; and

means for inputting instruction which requests the conducting means to search the external device for the second period of time, wherein the inputting means comprises an audio input device for input of the instruction.

Sekiyama teaches a system and a method comprising:

informing that searching is complete by utilizing a speaker (Fig. 1, ref. 18) (col. 4, II. 9-14 and col. 6, II. 22-46); and

requesting for implementing an instruction for searching by utilizing a microphone (Fig. 1, ref. 16) (col. 4, II. 9-14 and col. 6, II. 22-46).

It would have been obvious to one of ordinary skill in this art, at the time of invention was made to include Sekiyama's speaker and microphone into Kimura and Bastiani's communication device. The resulting combination of the references further teaches the communication device for communicating with the external device, comprising:

utilizing the speaker to inform that the conducting during the first period of time is complete; and

utilizing the microphone to input the instruction for searching for the external device during the second period of time.

Therefore, it would have been obvious to combine Sekiyama with Kimura and Bastian for the benefit of implementing the communication device to operate as a hands-free communication device (Sekiyama, col. 8, ll. 31-37).

VI. CLOSING COMMENTS

Conclusion

a. STATUS OF CLAIMS IN THE APPLICATION

The following is a summary of the treatment and status of all claims in the application as recommended by M.P.E.P. 707.07(i):

a(1) CLAIMS REJECTED IN THE APPLICATION

Per the instant office action, claims 1-13, 16-17 and 19-21 have received a final action on the merits. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

b. DIRECTION OF FUTURE CORRESPONDENCES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun-Kuan (Mike) Lee whose telephone number is (571) 272-0671. The examiner can normally be reached on 8AM to 5PM.

IMPORTANT NOTE

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

March 08, 2007

Chun-Kuan (Mike) Lee

Examiner

Art Unit 2181



DONALD SPARKS
SUPERVISORY PATENT EXAMINER